

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ANTHEM HIGHLANDS COMMUNITY
ASSOCIATION et al.,

Plaintiffs,

vs.

VIEGA, INC. et al.,

Defendants.

2:12-cv-00207-RCJ-CWH

ORDER

This Rule 23 class action arises out of the installation of allegedly defective high-zinc-content “yellow brass” (high zinc content) plumbing fittings in residences throughout the Las Vegas area. Several duplicative such class actions have been filed in this District by the same law firms against many of the same defendants, albeit with different named plaintiffs. Most such actions have been removed from state court, but Plaintiffs filed the present case in this Court. Several motions are pending before the Court. The Court recently ruled on several similar motions in a nearly identical case, *Waterfall Homeowners’ Association v. Viega*, 2:11-cv-1498. The Court has recently consolidated the present case as a member case under *Slaughter v. Uponor*, No. 2:08-cv-1223.

I. FACTS AND PROCEDURAL HISTORY

Plaintiff Anthem Highlands Community Association (“Anthem Highlands”) has filed the present Rule 23 class action. Plaintiff represents its own 1232 members directly but also wishes to represent up to 10,000 homeowners associations representing up to 250,000 similarly situated

1 homeowner members throughout the Las Vegas area via this class action. Plaintiff seeks
2 damages pursuant to Chapter 40 of the Nevada Revised Statutes (“NRS”) based upon damage
3 and potential future damage to class members’ homes arising out of the failure or potential future
4 failure of yellow brass plumbing fittings and components manufactured by “Vanguard/Viega”
5 and “Wirsbo/Uponor.”

6 Plaintiff sent its Chapter 40 notice to Defendants on June 30, 2011. Defendants
7 responded by denying liability, except for Uponor Defendants, who have not responded. Plaintiff
8 sued Defendants in this Court on February 9, 2012. Plaintiff has sued the following Defendants:
9 (1) Viega, Inc.; (2) Viega, LLC; (3) VG Pipe, LLC; (4) Vanguard Piping Systems, Inc.; (5)
10 Vanguard Industries, Inc.; (6) Viega GMBH & Co. KG; (7) Viega International GMBH; (8)
11 Uponor Corp.; (9) Uponor, Inc.; (10) Wirsbo Co.; (11) Uponor Wirsbo Co.; and (12) Del Webb
12 Communities, Inc.. Defendants 1–5 are referred to collectively herein as the “U.S. Viega
13 Defendants.” Defendants 6–7 are referred to collectively herein as the “German Viega
14 Defendants.” Defendants 1–7 are referred to collectively herein as the “Viega Defendants.”
15 Defendants 8 is referred to herein as the “Finnish Uponor Defendant.” Defendants 9–11 are
16 referred to collectively herein as the “U.S. Uponor Defendants.” Defendants 8–11 are referred to
17 collectively herein as the “Uponor Defendants.” Many of these Defendants have been sued in
18 identical class actions by the same law firms, but with different named plaintiffs.

19 The Complaint lists ten nominal causes of action: (1) Breach of Implied Warranties; (2)
20 Breach of Express Warranties (Viega Defendants); (3) Breach of Express Warranties (Uponor
21 Defendants); (4) Breach of Express Warranties (all Defendants except Viega and Uponor
22 Defendants); (5) Negligence and Negligent Misrepresentation; (6) Strict Liability; (7)
23 Declaratory and Equitable Relief; (8) Violation of Nevada Deceptive Trade Practices Act (all
24 Defendants except Del Webb); (9) Alter Ego (Uponor Defendants); and (10) Alter Ego (Viega
25 Defendants). The nominal fifth cause of action constitutes two separate causes of action. The

1 nominal seventh cause of action lists two measures of relief but no independent cause of action.
2 The nominal ninth and tenth causes of action are not independent causes of action but legal
3 theories relevant to the other underlying causes of action. Pending before the Court are three
4 motions to dismiss, a motion to sever, a motion to strike, a motion for leave to file excess pages,
5 and a motion to extend time.

6 **II. DISCUSSION**

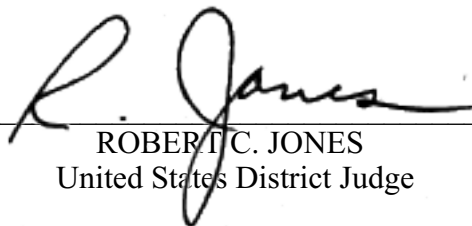
7 The Court has issued many rulings in the related cases that settle most of the issues in the
8 present motions. The Court has determined to consolidate the cases under *Slaughter v. Uponor*,
9 and the law of the case as given in any of the member cases will stand as the law of the case in
10 the consolidated cases. As the consolidation order notes, Plaintiffs' counsel will have ten days to
11 amend both the Complaint and the motion for class certification. After amendment of the
12 Complaint to consolidate the parties and claims, the Court will adjudicate further motions, which
13 must be filed in the lead case, including any motions to clarify the preclusive effect of previous
14 rulings in the member cases. But the Court will not at this stage continue to adjudicate repetitive
15 issues in the member cases one-by-one. Plaintiffs' counsel is the same in each case, and for the
16 sake of efficiency, the Court further encourages Defendants' counsel to file joint pleadings where
17 possible.

18 **CONCLUSION**

19 IT IS HEREBY ORDERED that all motions in the present case are denied, without
20 prejudice.

21 IT IS SO ORDERED.

22 Dated this 14th day of January, 2013.

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ROBERT T. JONES
United States District Judge